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JACKSON & CO., LLP 6114 LA SALLE AVENUE SUITE 507 OAKLAND, CA 94611-2802			HILLERY, NATHAN	
		ART UNIT		PAPER NUMBER
		2176		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,627	KNOTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nathan Hillary	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 December 2006.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-25,27 and 28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This action is responsive to communications: RCE filed on 12/19/06.
2. Claims 1, 3 – 25, and 27 – 28 are pending in the case. Claims 1, 18, 24, 25, and 27 are independent.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8, 9, 11, 12, and 15 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over XmlSpy and further in view of Anuff et al. (US 6327628 B1).
2. **Regarding independent claim 1**, XmlSpy teaches that XML Spy is the ideal tool that integrates schema and DTD creation with working on XML instance documents.(p

1, Schema Dialects, first block), which meet the limitation of a **content handling program component**, since XmlSpy handles Xml documents, which is equivalent to content.

XmlSpy teaches that XML Spy supports both editing and schema-validation of Document Type Definitions (DTD) and XML Schema Definition (XSD) (p 1, Schema Dialects, second block), which meet the limitation of a **content definition editor that receives a content definition**. Further, XmlSpy teaches that XML Spy can automatically detect datatypes (such as date, time, number, uri, etc.) being used in your XML documents and create the corresponding restrictions in the schema (p 13, Generate DTD/Schema, second block), which meet the limitation of a **content definition editor that receives a content definition including one or more data types and one or more parameters for each data type**.

XmlSpy teaches that when you are working on an XML document that is based on a DTD or Schema, the Enhanced Grid View provides many Intelligent Editing features based on the information gathered from the Schema or DTD. Whenever you are editing the name of an element or attribute, a popup menu is automatically displayed the shows the available options depending on the position of the element you are editing and the content model defined by the Schema or DTD (p 7, Editing, first two paragraphs; Figs on pp 6 & 7), which meet the limitation of a **content definition editor that receives a content definition ... and being based on a list of content item properties having assigned IDs, positions and types and being generated for each property by selecting a property type and a property action**.

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XmISpy teaches that you can also use the Generate DTD/Schema command on any file, folder, or group of files in the active project window (pp 13 & 14, Generate DTD/Schema, last block), which meet the limitation of **a data structure generator that produces a content data structure, the content data structure corresponding to the content definition**, since the generated DTD/Schema is a data structure containing the content definition(s).

XmISpy teaches that XML Spy can automatically detect datatypes (such as date, time, number, uri, etc.) being used in your XML documents and create the corresponding restrictions in the schema (p 13, Generate DTD/Schema, second block), which meet the limitation of **a content item editor that receives content item information and provides the content item information for storage in the content data structure**, since the content item information is the datatypes in the XML documents that are then placed accordingly into the DTD/Schema, which is the content data structure.

Xm Spy teaches that all items contained in an XML document are displayed in a structured way that allows for easy manipulation of contents and structure at the same time. Any hierarchical item is represented with a gray side bar and a tiny arrow at the top that can be expanded and collapsed as needed (p 7, first block paragraph; second Fig on p 6), which meet the limitation of **a content item editor that handles each said content item property in said content item property list, and provides the content item information for storage in connection with a same content item**.

XmlSpy teaches that the central area shows the main window, where you are editing your XML (Icon.xml), Schema (icon2.xsd), or XSL (textdata.xsl) documents using the enhanced grid view, text view, database/table view, or browser view (pp 3 & 4, Windows, second block), which meet the limitation of **the content definition editor and the content item editor are configured for implementation on a display on content definition and content editor screens, respectively, in separate network browser windows.**

XmlSpy teaches that you can use the integrated browser view of XML Spy to immediately preview any XML file with an XSL stylesheet, or you can view the output from an XSLT transformation to HTML (p 10, Browser View, first block), which meet the limitation of **a publisher program component that generates a formatted output based on a combination of the separately stored content item information and formatting information.**

XmlSpy does not explicitly teach a **template editor that generates formatting information for the content item information and stores the formatting information separately from the content item information.**

However, Anuff et al. do teach that *once a template has been created and has one or more styles associated with it, the styles can be retrieved for use in a page. Part of the API for the Template object includes methods for retrieving styles. Once retrieved, the API for the Style object allows the style to be executed, creating the desired portion of the user interface* (Column 15, lines 33 – 38), which provide for a **template editor that generates formatting information for the content item**

**information and stores the formatting information separately from the content item information.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of XmlSpy with that of Anuff et al. because such a combination would allow the users of XmlSpy the benefit of *a portal server that provides services that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67).

3. **Regarding dependent claim 8, 9, and 11, XmlSpy nor Anuff et al. explicitly teach a naked browser or Internet Kiosk.**

However it would have been obvious to one of ordinary skill in the art to use the combined invention to meet the limitations of **the content item editor is accessible through a naked web browser, that the content item editor is accessible through a public Internet kiosk, or that the content definition editor, the content item editor, and the template editor are each accessible through a naked web browser**, since Anuff et al. do teach that *in essence, the computer system enables individual users of communication devices 10, including personal computers 10a, workstations 10b, web access devices 10c, and the like, to view informational content provided by various servers 12a-12n. The communication devices 10 are connected to the servers 12 by means of a suitable communications network 14, such as a local area network, a wide area network, the Internet, or the like. To view the content provided by the servers, the devices 10 run a browser application 16. At the servers 12, the available content and*

*services are stored ... in a format that is capable of being read by the browser applications, such as HTML or XML* (Column 3, lines 2 – 17). Based on the teaching, the skilled artisan would interpret that the invention provides for the limited resources of a **naked browser** and an **Internet kiosk**.

4. **Regarding dependent claim 12, XMISpy do not explicitly teach the template editor comprises a file import module that receives the formatting information and transforms the formatting information into a form that is compatible with the system.**

However, Anuff et al. do teach that *both "templates" and "styles" can be created dynamically, as part of an administration user interface. This dynamic creation process involves the following general steps: define the template, by describing it to the administrative user interface; create the style's source code in a file, using whatever language and technique is appropriate to the deployment and to the types of templates to which the style will apply; define the style in association with a template; upload the style files to the portal web site* (Column 15, lines 20 – 32), which meet the limitation of **the template editor comprises a file import module that receives the formatting information and transforms the formatting information into a form that is compatible with the system.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of XMISpy with that of Anuff et al. because such a combination would allow the users of XMISpy the benefit of a *portal server that provides*

*services that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67).

5. **Regarding dependent claim 15**, XmlSpy teaches that you can use the integrated browser view of XML Spy to immediately preview any XML file with an XSL stylesheet, or you can view the output from an XSLT transformation to HTML (Browser View, first block). Further, XmlSpy illustrates that XSL documents (main.xsl) contain XML fragments (Text View, first figure), which meet the limitation of **the formatting information comprises extensible mark-up language (XML) fragments.**

6. **Regarding dependent claim 16**, XmlSpy illustrates that XML documents contain “links” to other elements (Figure under Copy as XML-Text), which meet the limitation of **the content item information refers to one or more different content items, thereby producing one or more links between the content items.**, since the content item information is equivalent to the XML data and the content items are equivalent to the XML data elements or items.

7. **Regarding dependent claim 17**, XmlSpy does not explicitly teach **multiple databases.**

Anuff et al. teach that *the portal server provides services through a library of object-oriented classes, such as classes in the Java programming language developed by Sun Microsystems, that give access to various databases, web servers, scripting*

*environments and mail services* (Column 1, lines 62 – 67), which meet the limitation of **the content item information is stored in multiple databases and is consolidated by the publisher.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of XmlSpy with that of Anuff et al. because such a combination would allow the users of XmlSpy the benefit of *a portal server that provides services that give access to various databases, web servers, scripting environments and mail services* (Column 1, lines 62 – 67).

8. **Regarding independent claim 18**, the claims incorporate substantially similar subject matter as claims 1 and 17, and are rejected along the same rationale.

9. **Regarding dependent claim 19**, the claim incorporates substantially similar subject matter as claim 16, and is rejected along the same rationale.

10. **Regarding dependent claim 20**, the claim incorporates substantially similar subject matter as claim 8, and is rejected along the same rationale.

11. **Regarding dependent claims 22 and 23**, the claims incorporate substantially similar subject matter as claim 6, and are rejected along the same rationale.

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12. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over XmlSpy and Anuff et al. as applied to claims 1 and 18 above, and further in view of Ferrel et al. (as cited by Applicant).

13. **Regarding dependent claims 13 and 14, neither XmlSpy nor Anuf et al. explicitly teach a publication scheduler that controls when a particular content item is published by the publisher according to a set of predetermined publication criteria and that the publication criteria are generated automatically in response to parameters that are accessed from outside the system.**

Ferrel et al. teach that *sophisticated customers may use other more advanced MPS features, such as search, scheduling, and automatic delivery... Besides browsing via the Explorer or scheduling automatic home delivery, there are several additional ways customers can obtain MPS applications. For example, an individual application may be distributed via floppy disk or CD-ROM 124, it may be distributed through E-mail or bulletin boards, or the application may be directly accessible via a link in other applications (such as the Microsoft Network yellow pages system)* (Column 9, line 65 – Column 10, line 10), which meet the limitation of **a publication scheduler that controls when a particular content item is published by the publisher according to a set of predetermined publication criteria (home delivery) and that the publication criteria are generated automatically in response to parameters (inherently a location is chosen) that are accessed from outside the system.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of XmlSpy and Anuff et al. with that of Ferrel et al.

because such a combination would allow the users of XmlSpy and Anuff et al. the benefit of a *method of styling content in an electronic publishing system* (Column 4, lines 1 – 2).

14. Claims 3, 4, 7, 24, 25, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over XmlSpy and Anuff et al. as applied to claims 1 and 18 above, and further in view of Plantz et al. (as cited by Applicant).

15. **Regarding dependent claims 3, 4, and 7, neither XmlSpy nor Anuff et al. explicitly teach that the content definition editor provides a blank content definition form to a user and receives the content definition from the user, and the data structure generator automatically produces the content data structure based on the content definition entered by the user, that the content item editor provides a content item form to a user, the form corresponding to the content data structure and accepting content items that correspond to the content data structure, and that the content definition editor permits the content data structure to be changed after the content data structure has been created and after one or more content items have been stored in the content data structure.**

Plantz et al. teach that *by selecting and highlighting the document 151, 152, 153 and selecting "View/Edit Document" 154, the GPS provides an publishing/editing control form 160 for the specific document. This form preferably comprises the following components: an indication of the current topic 161; an executable link to the current author's e-mail address 162; the name of the current or main author of the document*

163; the name of the editor 164; an executable link to the assigned editor's e-mail address 165; a listing of the current document's subheadings or subsections for the author to select which document section is to be worked on 166; an option to "Edit a Section," 167 which, upon selection, executes the command and displays the selected document section to be edited; an option 168 to view the entire chapter in view-only mode; an option to "Spell Check" the selected section 169, selection of which opens the entire document for spell checking according to known algorithms; a selection 170 permitting the author to enter personal information such as their name, address, telephone number and similar data; 171 is a display of the date and time when the document was last modified; 172 displays the date on which the document was finally completed; 173, 174, 175, 176 are displays of the completion date of assigned aspects of the editing tasks associated with the document completion (for example, for a medically related document, these sections might include editorial signoffs by medical, pharmaceutical, grammatical and other experts, as well as signoff, for example, by an executive editor.; editorial titles, naturally, vary with the project); 177 provides a link to one or more particularly desirable databases or search engines (for example, for a medically related document, having a live link to a Medline Search engine at this point is preferred; see FIG. 8 for one embodiment of the layout of these GPS functions)

(Column 9, lines 35 – 67), which meet the limitation of the **content definition editor** provides a blank **content definition form** to a user and receives the **content definition from the user**, and the **data structure generator** automatically produces the **content data structure based on the content definition entered by the user**,

**that the content item editor provides a content item form to a user, the form corresponding to the content data structure and accepting content items that correspond to the content data structure, and that the content definition editor permits the content data structure to be changed after the content data structure has been created and after one or more content items have been stored in the content data structure.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of XmlSpy and Anuff et al. with that of Plantz et al. because such a combination would allow the users of the combined invention the benefit of a *computer-based Group Publishing System (GPS) for enhancing collaboration between and among individuals who may be separated by distance and/or time* (Column 4, lines 64 – 67).

16. **Regarding dependent claims 24 and 25,** the claims incorporate substantially similar subject matter as claims 1 – 4, 11, and are rejected along the same rationale.

17. **Regarding dependent claims 27 and 28,** the claims incorporate substantially similar subject matter as claims 1 – 4, 11, and are rejected along the same rationale.

18. Claims 5, 6, 10 and 21 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over XmlSpy and Anuff et al. as applied to claims 1 and 18 above, and further in view of Yamashita et al. (US 6768558 B1).

19. **Regarding dependent claims 5 and 6,** neither XmlSpy nor Anuf et al. explicitly teach **the content item and the formatting information are stored in separate databases and that the content items are stored in the same database as the formatting information.**

However, Yamashita et al. teach that *storing format information and document contents in separate databases* (Column 9, line 67 – Column 10, line 1) and that *the document database 103 and the format database 104 may share the same database* (Column 10, line), which meet the limitation of **the content item and the formatting information are stored in separate databases and that the content items are stored in the same database as the formatting information.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of XmlSpy and Anuff et al. with that of Yamashita et al. because such a combination would allow the users of the combined invention the benefit of *printed matter in which additional information may be invisibly embedded in a base pattern forming the ground pattern and which allows the invisible information to be made visible by putting on the base pattern an identification film or a reference pattern printed on a transparent film* (Column 2, lines 36 – 40).

20. **Regarding dependent claim 10,** neither XmlSpy nor Anuf et al. explicitly teach **the content item editor is accessible through a personal wireless device.**

However, Yamashita et al. teach that *the accepting apparatus 101, corresponding to a terminal in a network system, may be a computer* (Column 8, lines

33 – 35), which meet the limitation of **the content item editor is accessible through a personal wireless device.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the combined invention of Xmlspy and Anuff et al. with that of Yamashita et al. because such a combination would allow the users of the combined invention the benefit of *printed matter in which additional information may be invisibly embedded in a base pattern forming the ground pattern and which allows the invisible information to be made visible by putting on the base pattern an identification film or a reference pattern printed on a transparent film* (Column 2, lines 36 – 40).

21. **Regarding dependent claim 21**, the claim incorporates substantially similar subject matter as claim 10, and is rejected along the same rationale.

#### ***Response to Arguments***

22. Applicant's arguments filed 12/19/06 have been fully considered but they are not persuasive.

23. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

24. Applicant simply argues that the references do not teach the newly amended limitations and are thus allowable (p 10).

The Office disagrees.

As stated above in the rejection of the claims under 35 USC 103(a):

XmlSpy teaches that when you are working on an XML document that is based on a DTD or Schema, the Enhanced Grid View provides many Intelligent Editing features based on the information gathered from the Schema or DTD. Whenever you are editing the name of an element or attribute, a popup menu is automatically displayed that shows the available options depending on the position of the element you are editing and the content model defined by the Schema or DTD (p 7, Editing, first two paragraphs; Figs on pp 6 & 7), which meet the limitation of **a content definition editor that receives a content definition ... and being based on a list of content item properties having assigned IDs, positions and types and being generated for each property by selecting a property type and a property action.**

Xml Spy teaches that all items contained in an XML document are displayed in a structured way that allows for easy manipulation of contents and structure at the same time. Any hierarchical item is represented with a gray side bar and a tiny arrow at the top that can be expanded and collapsed as needed (p 7, first block paragraph; second Fig on p 6), which meet the limitation of **a content item editor that handles each said content item property in said content item property list, and provides the content item information for storage in connection with a same content item.**

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (571) 272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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